Arrangements should therefore be made at once for the establishment of a separate Munsiff's court and a separate First Class Magistrate's court in the taluk.

DEWAN'S REPLY: Mr. Kesava Pillai, you have touched upon two points. One is the establishmert of a whole time Munsiff's Court at Neduvankad and the other is the creation of a First Class Magistrate for that taluk. I shall have the first point examined in connection with the general question of redistribution of civil courts.

As regards your second request that Neduvankad should have a whole time First Class Magistrate to itself, I do not think the position of that taluk is such as to warrant a whole time Magistrate with high powers in the immediate future.

27 Administration of Justice, civil, criminal and revenue.

MR. R. RAMAN PILLAI (*Member, Quilon taluk, Group II*) said that representations were being made in every session of the Assembly regarding the administration of justice. The representations had to be repeated from year to year, because the grievances brought to notice were not being remedied. One need hardly say that this was very unsatisfactory. The member had himself made several representations on the floor of the house about defects in the administration of justice. But those defects yet remained to be removed. He was led to think that the High Court was not devoting due attention to these representations. It was a very false notion that representations made in the Assembly did not merit serious consideration. The Dewan had himself declared that one of the objects of the Assembly was to enabe Government to know how their measures were appreciated by the people. It was the duty of the High Court to see how the working of the Civil Courts affected the people and to remove such defects as were brought to their notice by the people. Any indifference on the part of the High Court in this matter was likely to undermine the confidence of the people in them. Two or three years ago when the member made his representation about the administration of justice, two judges of the High Court were present in the Assembly. The majority of the grievances which he represented then were therefore readily removed. On the present occasion also there was present a representative of the High Court. The member therefore hoped that the representations which he made on this occasion would receive the due attention of the High Court.

Ordinarily, it was not right that Government should interfere with matters within the jurisdiction of the High Court. It was good that the High Court should be entirely independent of the executive. But the High Court should also act independently and in a benevolent manner. Formerly when representations in the Assembly were forwarded to the High Court, they used to record their opinion on each representation and these opinions used to be published by Government in the form of proceedings. This was a very useful practice. It enabled the people to know what the High Court thought about their representations. This practice should be revived.

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To be frank, the people were by and by losing their confidence in the Judicial Department. There were many reasons for this. But propriety demanded that these should not be mentioned in public. The High Court should see that such a state of affairs did not continue.

Another remarkable feature about the Judicial Department was the conflicting nature of the decisions given by the High Court on several points of law. A Division Bench would give one ruling on a point of law and a Full Bench quite another. This lack of consistency caused much trouble to parties as well as vakils. When there was a Full Bench ruling on a particular point, a Division Bench was giving a different ruling on the same point. Some courts would follow the Division Bench ruling on the ground that it was the later decision, while others the Full Bench ruling because a Division Bench could not alter a Full Bench ruling. The High Court should carefully look into the matter and make adequate provisions against such difficulties.

In regard to reports of decided cases many reports had come into existence such as the Law Journal, the Law Times etc. The T. L. R. series had been cast into the shade by these publications. In olden days the T. L. R. used to be considered very important. Arrangements should be made for publishing this report every month. If this was not possible, it might very well be stopped.

All judgments of the High Court were being published now irrespective of the nature of the decisions they contained. It would be enough to publish only important judgments. The High Court should exercise some supervision over this matter. They should decide what judgments should be published and what not.

Law's delays had become a matter of public notoriety in Travancore. Government often said they were thinking anxiously about the question. Probably they were contemplating a costly measure like the appointment of a Law's Delays Committee. But before Government embarked upon any such scheme, they should try to get the maximum work turned out by the existing staff of officers and if any arrears still remained it was time that they thought of other remedies. A Law's Delays Committee had been appointed in British India. But it had proved to be of little avail. Nothing better could be expected in Travancore. So it was better that other remedies were tried first. To mention only one, none of the judges of the High Court now worked till 5 o' clock ; if they worked till 5, they could certainly finish all the cases without arrears.

So far as lower courts were concerned, promotions should be given to officers on the basis of their efficiency. Promotions were now given in order of seniority. Nobody knew who was working well and who not. The quarterly statements of disposals of cases were of no use. The quality or the quantity of work turned out by an officer could not be judged from these statements. There was a rule that an officer

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should dispose of at least forty contested suits. In order to attain this standard, officers would pick out forty simple cases and dispose of them. This rule thus furnished no test of a man's capacity.

The member referred, in conclusion, to the appointment of Panchayat Judges. They should always be persons acquainted with law. It was an entirely futile system to appoint as Panchayat Judges persons who were illiterate and ignorant.

DEWAN'S REPLY:—Mr. Raman Pillai, I shall give a collective reply after hearing all members who wish to represent their views in respect of administration of justice in Travancore.

28. Hardships caused to the public by irregularities in the working of the civil courts and remedies therefor.

MR. K. KESAVAN UNNITHAN (*Member, Kunnathur taluk*) made the following suggestions touching the administration of civil justice.

First, the jurisdictions of Munsiffs' courts should be revised. The present distribution of Munisiffs' courts was based merely on area as revealed by the survey plan. The facilities or the difficulties of communication in the several taluks were given the go-by completely. The jurisdictions of all Munsiffs' courts should be so revised as to secure an even distribution of work among the officers and to lighten the difficulties of the public. A special committee might be appointed to go into the question. If that was not feasible, one of the judges of the High Court might be entrusted with the work.

The second suggestion related to adjournment of sales in execution of decrees. In case a Munsiff or a judge was absent on the date fixed for a sale or in case the court was not, for some other reason, sitting on that day, the sale should, either on the day on which the officer went on leave or on the day on which the court was next sitting, be adjourned to a day within the limit of seven days contemplated in Order XXI, Rule 67 (2) of the Civil Procedure Code.

Thirdly, the head ministerial officer of a court should be authorised to commit to Jail judgment-debtors arrested on warrant. There was an old circular allowing this; that circular should be restored. Under the existing rules such persons could be committed to prison only by munsiffs or judges. This was not desirable.

Fourthly, stringent instructions should be issued from the High Court to the lower courts for the due enforcement of Rules 10 to 12 of Order XVI of the Civil Procedure Code, relating to failure of witnesses to comply with summons issued to them.

Fifthly, in regard to the posting of cases, only as many cases should be posted for a day as could be heard on that day. Witnesses attending on a day should be examined the very same day, and if this was not possible, they should be examined continuously on succeeding days. Rule 514 of the Civil Courts' Guide should be strictly enforced for this purpose.

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